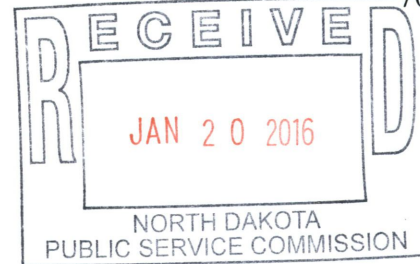


Blaine T. Johnson  
100 West Broadway, Suite 250  
PO Box 2798  
Bismarck, ND 58502-2798  
701.223.6585

January 20, 2016

Mr. Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard Ave., Dept. 408  
Bismarck, ND 58505-0480



RE: Dakota Access LLC  
Dakota Access Pipeline Project  
Case No. PU-14-842  
Our File No. 31-536-001

*via E-mail and U.S. Mail*

Dear Mr. Nitschke:

Following questions from PSC staff concerning certain terms of Paragraph 9 of the Proposed Order, North Dakota Pipeline Company and Dakota Access LLC have agreed to modify Paragraph 9 as follows:

9. Dakota Access shall locate its pipeline at least 50 feet from North Dakota Pipeline Company LLC's permitted routes as measured from the center line of pipeline to center line of pipeline, except in locations where agencies require a lesser distance or Dakota Access and North Dakota Pipeline Company mutually agree to an alternative arrangement. In those instances where 50 feet of separation cannot be maintained, the pipeline shall be located no less than 25 feet from the North Dakota Pipeline Company LLC's permitted routes, as measured from the center line of pipeline to center line of pipeline. Dakota Access will notify North Dakota Pipeline Company LLC of all locations where the proposed location of the Dakota Access pipeline would result in a center line to centerline separation of less than 50 feet or where the proposed location of Dakota Access's workspace will overlap existing North Dakota Pipeline Company LLC facilities. Before Dakota Access may begin construction in those identified areas, North Dakota Pipeline Company LLC shall be allowed to perform depth of cover surveys on the potentially affected North Dakota Pipeline Company facilities and only thereafter the parties shall coordinate and cooperate in establishing reasonable mitigation measures. Unless agencies require a lesser distance or it is infeasible to do so, Dakota Access will maintain a minimum 25-foot buffer between the edge of its temporary workspace and

existing North Dakota Pipeline Company LLC facilities. On a tract-by-tract basis, where North Dakota Pipeline Company LLC and Dakota Access show respective work space overlapping, Dakota Access and North Dakota Pipeline Company LLC shall coordinate with respect to construction and restoration activities on each particular tract to ensure the appropriate care and safety is applied, for the sake of the landowner and for existing energy transportation infrastructure. Dakota Access and North Dakota Pipeline Company LLC will continue to have a working communication plan for the construction of their respective pipelines to insure that temporary workspaces and spoil storage areas do not compromise the integrity of existing lines or construction schedules and that both pipelines will be installed and constructed in a safe and workmanlike manner and in accordance with established usual and customary industry practices. In that one mile section (approximately Sandpiper milepost 8.9 to approximately milepost 10.0) where Dakota Access and North Dakota Pipeline Company LLC share a corridor, the companies will hold a construction and restoration coordination meeting at least 30 days prior to the construction of each line to agree upon construction plans and responsibility for the restoration work of any overlapping temporary workspace.

The underlined text replaces the last sentence of North Dakota Pipeline Company LLC's Revision to the Proposed Order (Docket No. 129).

Also enclosed, please find the Affidavit of Mailing.

Sincerely,

**CROWLEY FLECK PLLP**



Blaine T. Johnson  
Attorneys for Applicant, Dakota Access LLC

CONSENT

North Dakota Pipeline Company LLC, by and through its counsel, Tyler Bakke of McGee, Hankla, & Backes, P.C., consents to the modification described above.



Tyler Bakke  
Attorneys for Intervenor, North Dakota Pipeline Company LLC

cc: Zack Pelham  
Derrick Braaten  
Bryan Van Grinsven  
Bryan L. Giese

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF NORTH DAKOTA

In the Matter of the Application of Dakota  
Access LLC for a Certificate of Site  
Compatibility and Route Permit for the  
Dakota Access Pipeline Project in  
Mountrail, Williams, McKenzie, Dunn,  
Mercer, Morton and Emmons Counties,  
North Dakota

CASE NO. PU-14-842

---

AFFIDAVIT OF SERVICE BY MAIL

---

STATE OF NORTH DAKOTA)  
  )§  
COUNTY OF BURLEIGH    )

Rochel Wagner, being first duly sworn on oath, deposes and says: That she is a citizen of the United States over the age of eighteen years and not a party to, nor interested in, the above entitled action.

That on the 20th day of January, 2016, this affiant did deposit in the United States Post office at Bismarck, North Dakota, a true and correct copy of the following documents:

1. Letter to Darrell Nitschke, Executive Secretary of the North Dakota Public Service Commission concerning modification of Paragraph 9 of Proposed Order between Dakota Access, LLC and North Dakota Pipeline Company LLC.

That the document with postage prepaid was mailed, directed to the persons to be served at their last known post office address as follows:

Zachary E. Pelham  
Pearce & Durick  
314 E. Thayer Ave.  
Bismarck, ND 58501

Derrick Braaten  
109 North Fourth Street, Ste. 100  
Bismarck, ND 58501-4003

Bryan Van Grinsven  
Wells Fargo Bk. Center

15 Second Ave. SW #305  
PO Box 998  
Minot, ND 58702-0998

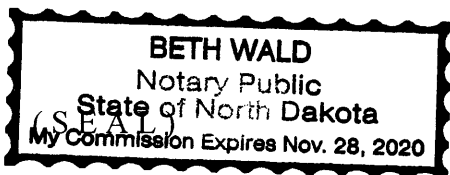
Bryan L. Giese  
Attorney at Law  
107 First Ave. NW  
Mandan, ND 58554-3150

To the best of affiant's knowledge, the address above given is the actual post office address of the party intended to be served.

*Rochel Wagner*

\_\_\_\_\_  
Rochel Wagner

Subscribed and sworn to before me this 20<sup>th</sup> day of January 2016.



*Beth Wald*

\_\_\_\_\_  
Notary Public  
Burleigh County, North Dakota  
My Commission Expires: